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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,069	12/27/2001	Donald D. LaNeve	W1200-00038	9444

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DUANE MORRIS, LLP  
IP DEPARTMENT  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103-4196

EXAMINER
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HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/034,069

Applicant(s)

LANEVE, DONALD D.

Examiner

Tramar Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-17, 27-34 and 38-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-17, 27-34 and 38-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner acknowledges receipt of amendment filed on 6/29/06. The arguments set forth in the response are addressed herein below. Claims 10-17, 27-34, & 38-55 remain pending, Claims 10 & 27 have been amended, and Claims 1-9, 18-26, & 35-37 have been cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 10-17, 27-34, 38-39, and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al (US 2005/0208995).**

The previous office action is maintained and incorporated herein:

**Claims 10-13, 17, 27-30, 38, & 41:** Marshall discloses a method and system for interactive wagering user interfaces that comprises of a graphical user interface that allows a user to place a wager or wagers (§ 79, wagers comprise of quiniela, exacta, daily double, etc.) on entrants for a race or races (multi-race bet), wherein all options are player selectable (§ 75-78, Figs. 9-14). At the user's request a first set of payouts is displayed to said user corresponding to the payout for selected entrants/horses and

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each other horse (§ 113). If a particular payout is appealing, the user may then select a desired combination (§ 114). The player then upon request can see the reconfigured payouts (replaces old payouts) based on the selected combination of entrants of one race or multiple races (§ 115). Furthermore, Marshall discloses that the player is displayed a list of possible wager combinations for the selected entrants and the player selects an individual graphical identifier associated with a particular combination to place the wager (§ 114, Fig. 60).

**Claims 14-16, 31, & 33-34:** Tote (totalisator) information (payouts) is provided to the user terminals via the tote data providers 114 via data servers (well known to include processors)(§ 16, 44, 53-60). As such, appropriate updates corresponding to payouts, wagering, etc. are maintained within the system amongst the appropriate servers and user terminals via display.

**Claim 32, 39, & 42:** Servers are connected to user terminal (PC) via the Internet (§ 52). Further the user has access to Internet address (web pages) for various wagering purposes, via the graphical user interface (§ 126). It is inherent in the art to use program applets via servers (tote servers) for purposes of achieving a desired function such as updates via a display on a user computer terminal.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 40 & 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al (US 2005/0208995).**

**Claims 40 & 43:** Marshall discloses the limitations of Claims 10 & 27, as taught above, but excludes the graphical identifiers as selectable probable payout monetary values. Marshall discloses that the player is displayed a list of possible wager combinations for the selected entrants and the player selects an individual graphical identifier associated with a particular combination to place the wager (§ 114, Fig. 60). As such, the graphical identifier is the row with the desired combination. However, Applicant has not disclosed that providing a probable payout as a graphical identifier provides an advantage or solves a particular problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the gaming system of Marshall because regardless of the type of identifier the end result is the same. A user selects a identifier associated with a desired combination of entrants to place a wager (Fig. 60).

Therefore, it would have been an obvious matter of design choice to modify Marshall to obtain the invention as specified in Claims 40 & 43.

**Claims 44-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al (US 2005/0208995) in view of Mir et al (US 6,358,150).**

**Claims 44-45, 49-50, & 55:** Marshall discloses a method and system for interactive wagering user interfaces that comprises of a graphical user interface that allows a user to place a wager or wagers (§ 79, wagers comprise of quiniela, exacta, daily double, etc.) on entrants for a race or races (multi-race bet), wherein all options are player

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selectable (§ 75-78, Figs. 9-14). At the user's request a first set of payouts is displayed to said user corresponding to the payout for selected entrants/horses and each other horse (§ 113). If a particular payout is appealing, the user may then select a desired combination (§ 114). The player then upon request can see the reconfigured payouts (replaces old payouts) based on the selected combination of entrants of one race or multiple races (§ 115). Furthermore, Marshall discloses that the player is displayed a list of possible wager combinations for the selected entrants and the player selects an individual graphical identifier associated with a particular combination to place the wager (§ 114, Fig. 60). However, Marshall et al. excludes displaying initial or reconfigured payouts of at least two wager types on one table or display. Mir et al (US 6,358,150) discloses a wagering racing game that provides a table of payouts for a plurality of wagering types (Abstract, Figs. 3-6). Figs 3-6 show a payout table of various wagering types (*Any pick Wins, Any 2 of 3, Top Pick Win, etc.*) and it shows updates as they are reconfigured. Marshall teaches displaying initial and reconfigured payouts of a wager type individually (selected by player), but not at one time, such as taught by Mir. It would have been obvious to one of ordinary skill at the time of invention to modify the gaming system of Marshall, such that payouts of for various wager types are displayed at one time or in a table such as the taught by Mir. Providing various wagering types to the player at one time would make a player would be more inclined or encouraged to make multiple wagers based on higher payouts. As such, revenue and player enjoyment would increase.

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**Claim 46 & 52:** Mir discloses displaying more payout for at least three wager types and Marshall discloses displaying initial and reconfigured payouts for a wager type (See Above).

**Claim 47, 51, & 53:** Marshall teaches that a player has the options of plurality of types of wagers such as quiniela, exacta, and daily double (§ 79, wagers comprise of quiniela, exacta, daily double, etc.).

**Claim 48 & 54:** (Marshall) Servers are connected to user terminal (PC) via the Internet (§ 52). Further the user has access to Internet address (web pages) for various wagering purposes, via the graphical user interface (§ 126). It is inherent in the art to use program applets via servers (tote servers) for purposes of achieving a desired function such as updates via a display on a user computer terminal.

### ***Response to Arguments***

Applicant's arguments with respect to Claims 10-17, 27-34, & 38-55 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Safaei et al (US 2002/0077712) teaches as similarly structured wagering system.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

12/19/06

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